

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MONTANA RETAIL STORE
EMPLOYEES HEALTH AND
WELFARE PLAN; NICOLAI
COCERGINE, and DANNY MA, in
their capacity as Trustees of the Health
Fund,

Plaintiffs,

v.

C&S JONES GROUP LLC,

Defendant.

CASE NO. 2:23-cv-1342

ORDER GRANTING PLAINTIFFS'
MOTION TO STRIKE AND
ORDERING DEFENDANT TO OBTAIN
COUNSEL WITHIN 30 DAYS

This is an ERISA case. On August 29, 2023, Plaintiffs Montana Retail Store Employees Health and Welfare Plan ("Health Fund"), Nicolai Cocergine, and Danny Ma filed a complaint alleging that Defendant C&S Jones failed to timely pay contributions under their contract and seeking liquidated damages. Dkt. No. 1 at 9. A process server provided C&S Jones's registered agent with a copy of the complaint and summons on October 18, 2023. Dkt. No. 6. Claiming to act on behalf of C&S Jones, Charles Wendell filed a document styled as a pro se answer on November 8,

1 2023. Dkt. No. 8. Plaintiffs move to strike the answer filed by Wendell because he is
2 not an attorney and C&S Jones has not properly appeared. Dkt. No. 9.

3 As a general rule, although non-attorneys may represent themselves in a
4 lawsuit, they have no authority to represent others. *C.E. Pope Equity Trust v.*
5 *United States*, 818 F.2d 696, 697 (9th Cir. 1987). “Unincorporated associations, like
6 corporations, must appear through an attorney; except in extraordinary
7 circumstances, they cannot be represented by laypersons.” *Church of the New*
8 *Testament v. United States*, 783 F.2d 771, 773 (9th Cir. 1986). The Local Civil Rules
9 make this clear: “[a] business entity . . . must be represented by counsel.” LCR
10 83.2(b)(4). Failure to obtain proper legal representation may result in “entry of
11 default against the business entity as to any claims of other parties.” *Id.*

12 Because Wendell is not a lawyer, he cannot represent C&S Jones. Further,
13 C&S Jones cannot file documents with the Court unless it is represented by counsel.
14 Accordingly, the Court STRIKES the answer, Dkt. No. 8, and ORDERS C&S Jones
15 to obtain counsel within 30 days of this order or risk possible entry of default. The
16 Court also STRIKES its order regarding initial disclosures and joint status report,
17 Dkt. No. 5, and its minute order extending the deadline for filing the joint status
18 report by January 19, 2024, Dkt. No. 10. The Court will issue a new initial
19 scheduling order when C&S Jones appears through counsel.

20 Dated this 14th day of December, 2023.

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Jamal N. Whitehead
23 United States District Judge